

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 16, 2009

**D049704      In re Rozzo on Habeas Corpus**

The petition is denied.

**D053424      In re W.K., a Juvenile**

The juvenile court's true finding as to court 1 is reversed. In all other respects we affirm.

Irion, J.; We Concur: Benke, Acting P.J., Haller, J.

**D053209      America's Choice Inc., et al. v. McGrath**

The order relieving McGrath of the default and default judgment is reversed. America's Choice to recover its costs of appeal. Benke, Acting P.J.; We Concur: Nares, J., McDonald, J.

**D053005      In re Marriage of Sander**

The order is affirmed. Dale's motion for sanctions is denied, and he is awarded costs on appeal.

Benke, Acting P.J.; We Concur: Huffman, J., McIntyre, J.

**D052916      People v. Moore**

All proceedings in this cause have permanently abated by reason of appellant's death. The Superior Court is directed to enter its order to that effect in the record. There no longer being an appellate objective, the appeal is dismissed.

**D054373      Ortiz v. Superior Court of San Diego County/People**

The petition for writ of mandate, response and reply have been read and considered by Justices Nares, McIntyre and Aaron. The petition is denied.

**D053702      In re Elizabeth P. et al.**

The petition for rehearing is denied.

**D052006      Kozicki et al v. Craig et al.**

The petition for rehearing is denied.

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**D043466      Morgan v. Imperial Irrigation**

At the request of appellants, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) The court declines to rule on the issue of mootness. Respondent to recover costs on appeal. Appellant's request for extension of time is denied as unnecessary.

**D052390      Pacific Torrey Reserve Holdings, LP v. City of San Diego**

The order is reversed. The matter is remanded to the trial court for further proceedings consistent with this decision. Appellant is awarded costs on appeal. McConnell, P.J.; We Concur: Huffman, J., Irion, J.

**D053654      People v. Foti**

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., Huffman, J.

**D054106      In re L.H., a Juvenile**

The appeals are dismissed. Nares, J.; We Concur: McConnell, P.J., Irion, J.

**D052734      Lutz v. First American Escrow Transfers, Inc.**

The judgment is affirmed. Escrow Transfers is awarded costs on appeal. Huffman, J.; We Concur: McConnell, P.J., Irion, J.

**D053401      People v. Ferguson**

The judgment is affirmed. The trial court is directed to amend Ferguson's abstract of judgment to reflect that his count one burglary conviction is under Penal Code section 459, and forward a copy of the amended abstract to the Department of Corrections and Rehabilitation. O'Rourke, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

**D053901      In re Celeste N., a Juvenile**

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Huffman, J.

**D052581      People v. Sepulveda**

The judgment is affirmed. Aaron, J.; We Concur: Haller, Acting P.J., McIntyre, J.

**D052240      Like et al. v. U.S.A. Cab LTD. et al.**

Order affirmed. Appellants to pay respondents' costs on appeal. Haller, J.; We Concur: McConnell, P.J., Aaron, J.

**D054130      American Contractors Indemnity Company, "Surety" v. Brede**

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244.(c)(2).)

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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DIVISION ONE  
March 17, 2009 (Continued)

**D054730      Malek Investments, LLC v. Superior Court of San Diego County/Belanich et al.**

The petition is denied.

**D054482      Maria R. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The supplemental record on appeal has been filed with the Court this date. The petition for writ of mandate for Andre G. is due within 10 days of the date of this order. (Cal. Rules of Court, rules 8.452, 5.600.)

No timely petition for writ relief has been filed for Maria R. Her notice of intent is deemed abandoned. The case as to Maria R. is dismissed.

**D054533      Nguyen v. Superior Court of San Diego County/People**

The petition for writ of mandate submitted by petitioner for filing in the appellate division of the superior court is deemed a petition for writ of mandate filed in this court. The petition has been read and considered by Justices Nares, McIntyre and Aaron. The petition is denied.

The Clerk of the Court is directed to return to petitioner the miscellaneous documents submitted with the petition (complaint, summons, fee waiver application, civil cover sheet).

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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March 18, 2009

**D053937      Reed v. Haralson**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

**D054739      People v. Prestridge**

A defendant has no standing to move to recall his or her sentence under Penal Code section 1170, subdivision (d). The order denying James K. Prestridge's motion to recall his sentence is not appealable. (See *People v. Chlad* (1992) 6 Cal.App.4<sup>th</sup> 1719, 1725-1727.) The appeal filed on March 6, 2009, is dismissed.

**D054737      People v. Thomas**

The notice of appeal is premature because no appealable order or judgment has yet been entered. The appeal is dismissed without prejudice to refiling a notice of appeal after an appealable order or judgment has been entered.

**D052942      Brown v. Atlas-Kona Kai, Inc.**

The judgment is affirmed. Defendant is entitled to costs on appeal. (Cal. Rules of Court, rule 8.278(a)(1).) McIntyre, J.; We Concur: Huffman, Acting P.J., Aaron, J.

**D054467      Martinez v. Workers' Compensation Appeals Board/Atlantic Mutual Insurance Company et al.**

The petition is denied. Respondents' request for fees under section 5801 is denied.

**D054352      In re F.T., a Juvenile**

The appeal is dismissed. McIntyre, J.; We Concur: Huffman, Acting P.J., Aaron, J.

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DIVISION ONE  
March 19, 2009

**D053455      In re H.H. et al., Juveniles**

The judgments are affirmed. McDonald, J.; We Concur: Haller, Acting P.J., McIntyre, J.

**D053014      Scott v. Comerica Bank, as Trustee, etc.**

The order is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., Irion, J.

**D052933      D'Anna v. Pacificare of California et al.**

The judgment granting PacifiCare's petition to confirm the arbitration award and denying Appellant's request to vacate the arbitration award is affirmed. PacifiCare is entitled to costs on appeal. Huffman, Acting P.J.; We Concur: Haller, J., McIntyre, J.

**D054638      J. K. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner J. K. has notified the court that a petition for writ of mandate under California Rules of Court, Rule 8.452 and 5.600 will not be filed as there are no viable issues for review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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DIVISION ONE  
March 20, 2009

**D052533      Bains III et al., v. Moores et al.**

The judgment is affirmed. CERTIFIED FOR PUBLICATION  
Aaron, J.; We Concur: McConnell, P.J., Huffman, J.

**D052833      In re Fernando R., a Juvenile**

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., Aaron, J.

**D053142      Quillar v. Nielsen et al.**

The judgment is affirmed. Haller, J.; We Concur: McConnell, P.J., Aaron, J.

**D054454      Tri-City Christian Schools v. Superior Court of San Diego County/Juarez**

The petition for writ of mandate and request for stay have been read and considered by Justices Nares, McIntyre and Aaron. The petition is denied.

**D053349      Sanders v. Narcotics Anonymous World Services, Inc.**

The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., Aaron, J.

**D053968      In re Kelly M., a Juvenile**

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., McIntyre, J.

**D053797      In re A. G., a Juvenile**

The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., Aaron, J.

**D053187      People v. Morrison**

The judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Haller, J.

**D054464      John P. v. Superior Court of San Diego County/San Diego County Health  
and Human Services Agency**

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned.  
The case is dismissed.

**D054403      In re Sara L. et al., Juveniles**

Upon the filing of an abandonment of appeal, personally signed by appellant, the appeal is  
dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

**D054448      Juarez v. Superior Court of San Diego County/Krewson et al.**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
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DIVISION ONE  
March 20, 2009 (Continued)

**D054747      State of California v. Superior Court of San Diego County/Vasquez**  
The petition is denied.

**D054765      Jordan v. Superior Court of San Diego County/People**  
The petition is denied.